

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 960, FOOD AND DRUGS ACT.

ADULTERATION OF ICE CREAM CONES.

On or about March 27 and August 6, 1910, the Valvona-Marchiony Company, Brooklyn, N. Y., shipped from the State of New York two consignments of a food product labeled "Ice Cream Cones. We guarantee that these products, which are manufactured and sold by us, are not misbranded within the meaning of the Food and Drugs Act, June 30, 1906. The Valvona-Marchiony Co. Sole manufacturers. Valvona-Marchiony Co. Cones, Brooklyn, N. Y. Manufacturers of wafers and Wafer Cup Specialties," the former of said shipments being into the State of Oklahoma, and the latter into the State of Pennsylvania. Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the sample from the former shipment was found to contain 0.18 per cent, and that from the latter shipment 0.14 per cent of boric acid. As the findings of the analyst and report thereon indicated that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Valvona-Marchiony Company and the parties from whom the samples were procured were afforded opportunities for hearings. As it appeared from the hearings held that the above shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

On March 22, 1911, two criminal informations were filed in the District Court of the United States for the Eastern District of New York against the said Valvona-Marchiony Company, one for each of said shipments, charging the same and alleging that the product so shipped was adulterated in that it contained an added deleterious ingredient, boric acid, which might render said article injurious to health.

On March 23, 1911, the defendant entered a plea of guilty to both the above informations, whereupon the court imposed a fine of \$10 on the information charging the shipment from the State of New York into the State of Oklahoma and suspended sentence on the other information.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 16, 1911.*